

AMENDED IN SENATE APRIL 23, 2009

SENATE BILL

No. 365

Introduced by Senator Ducheny

February 25, 2009

An act to amend Section 17070.20 of the Education Code, and to amend Section 15490 of, to add Section 15490.5 to, and to repeal Section 14620 of, the Government Code, relating to the State Allocation Board.

LEGISLATIVE COUNSEL'S DIGEST

SB 365, as amended, Ducheny. State Allocation Board: Office of Public School Construction.

Existing law establishes the State Allocation Board (board) and specifies its membership and duties. Existing law establishes numerous responsibilities for the board with respect to the allocation and expenditure of state funds for the construction of public school facilities. Existing law provides that the board consists of the Director of Finance, the Director of General Services, a person appointed by the Governor, the Superintendent of Public Instruction, and 3 members from each house of the Legislature.

Existing law establishes the Office of Public School Construction in the Department of General Services, and specifies the duties and officers of that agency.

This bill would retain the Superintendent, or his or her designee, as a member of the board, but would increase the number of gubernatorial appointments to the board to 4, specifying that these appointees would serve staggered terms, and would be required to have expertise in educational facilities construction, engineering, architecture, or finance, or expertise in compliance with the federal Americans with Disabilities

Act or other planning and construction standards for pupils with special needs. ~~The bill would also reduce the number of members appointed by each house of the Legislature from 3 to 2, and give the legislative appointing authorities the option to appoint public members instead of Members of the Legislature.~~ The bill would make the Director of Finance and the Director of General Services, or their respective designees, nonvoting members of the board.

The bill would transfer the functions, officers, and employees of the Office of Public School Construction from the Department of General Services to the board, effective January 1, 2010, and would provide for the retention of the civil service rights of those employees.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 17070.20 of the Education Code is
2 amended to read:

3 17070.20. The board shall administer this chapter. The Director
4 of General Services shall provide assistance to the board as it
5 requires.

6 SEC. 2. Section 14620 of the Government Code is repealed.

7 SEC. 3. Section 15490 of the Government Code is amended
8 to read:

9 15490. (a) There is in the state government the State Allocation
10 Board, consisting of all of the following:

11 (1) The Superintendent of Public Instruction or his or her
12 designee.

13 ~~(2) Two Members of the Senate or public members appointed~~
14 ~~by, and serving at the pleasure of, the Senate Committee on Rules.~~
15 ~~The Senate Committee on Rules may appoint one Member of the~~
16 ~~Senate and one public member to the board under this paragraph.~~

17 ~~(3) Two Members of the Assembly or public members appointed~~
18 ~~by, and serving at the pleasure of, the Speaker of the Assembly~~
19 ~~one. The Speaker of the Assembly may appoint one Member of~~
20 ~~the Assembly and one public member to the board under this~~
21 ~~paragraph.~~

22 *(2) Three Members of the Senate appointed by the Senate*
23 *Committee on Rules, two of whom shall belong to the majority*
24 *party and one of whom shall belong to the minority party.*

1 (3) *Three Members of the Assembly appointed by the Speaker*
2 *of the Assembly, two of whom shall belong to the majority party*
3 *and one of whom shall belong to the minority party.*

4 (4) (A) Four public members appointed by the Governor. The
5 public members appointed pursuant to this paragraph shall have
6 relevant experience, including, but not necessarily limited to,
7 experience in either of the following:

8 (i) Educational facilities construction, engineering, or finance.

9 (ii) Expertise in compliance with the federal Americans with
10 Disabilities Act (42 U.S.C. Sec. 12101 et seq.) or other planning
11 and construction standards for pupils with special needs.

12 (B) The members appointed under this paragraph shall serve
13 staggered terms. With respect to the public members appointed
14 immediately after the operative date of the act that adds this
15 paragraph, the terms of two of the public members shall be for two
16 years and the terms of the other two public members appointed
17 under this paragraph shall be for four years. Upon the expiration
18 of these terms, subsequent public members shall serve four-year
19 terms.

20 (C) A member appointed under this paragraph may be appointed
21 to an additional term or terms.

22 (5) The Director of Finance or his or her designee, and the
23 Director of General Services or his or her designee, shall serve as
24 nonvoting members of the board.

25 (b) The members of the board shall receive no compensation
26 for their services, but shall be reimbursed for their actual and
27 necessary expenses incurred in connection with the performance
28 of their duties.

29 (c) The Department of General Services shall provide assistance
30 to the board as the board requires, including, but not necessarily
31 limited to, the provision of the office space necessary to administer
32 the affairs of the board at a cost and in an amount comparable to
33 the accommodations of the board as of January 1, 2009.

34 (d) The board, by a majority vote of the voting members, shall
35 elect a chair and vice chair from its membership to serve one-year
36 terms. The chair and vice chair shall be eligible to serve no more
37 than two consecutive terms.

38 (e) The board, by a majority vote of the voting members, shall
39 do all of the following:

1 (1) Appoint an executive officer, who shall serve at the pleasure
2 of the board.

3 (2) Determine the salary and other compensation of the
4 executive officer.

5 (3) Employ additional staff members, and secure office space
6 and furnishings, as necessary to support the executive officer in
7 the performance of his or her duties.

8 SEC. 4. Section 15490.5 is added to the Government Code, to
9 read:

10 15490.5. (a) On January 1, 2010, the Office of Public School
11 Construction shall be transferred from the jurisdiction of the
12 Department of General Services to that of the State Allocation
13 Board. Effective January 1, 2010, the civil service staff of the
14 Office of Public School Construction shall be transferred to the
15 board with no loss of civil service rights and privileges that
16 pertained to those employees prior to that date.

17 (b) Effective January 1, 2010, the general services planning
18 officer, procurement officer, and executive officer of the Office
19 of Public School Construction shall be transferred to the board.
20 On and after January 1, 2010, each of these officers shall serve at
21 the pleasure of the board. On and after January 1, 2010, a vacancy
22 in any of these positions shall be filled through an appointment by
23 the Governor, upon recommendation of the board. The duties and
24 salary of each officer shall be determined by the board.